



General Administration
STATE OF WASHINGTON

Bidder Responsibility RCW 39.04.350

An Overview and Lessons Learned

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November 4, 2010

Bidder Responsibility Criteria

- ▶ Mandatory Criteria
- ▶ Supplemental criteria

Bidder Responsibility Criteria

Mandatory Criteria

(A) Before award of a public works contract, the bidder must:

- (1) At the time of bid submittal, have a certificate of registration.
- (2) Have a current state Unified Business Identifier (UBI) number.
- (3) If applicable, have industrial insurance coverage and Employment Security Department number and a State Excise Tax registration number.

Bidder Responsibility Criteria

Mandatory Criteria

- (4) Not be disqualified from bidding on any public works contract.
- (5) Not have been found out of compliance by the Washington State Apprenticeship and Training Council for Working Apprentices out of ratio, without appropriate supervision.
- (6) Until December 31, 2013, not have violated off-site prefabrication reporting requirement more than one time as determined by the department of labor and industries.

Bidder Responsibility Criteria

Supplemental Criteria

In addition to mandatory bidder responsibility the state or municipality may adopt relevant supplemental criteria for determining bidder responsibility applicable to a particular project which the bidder must meet.

Bidder Responsibility Criteria

Supplemental Criteria

Supplemental criteria for determining bidder responsibility, including the basis for evaluation and the deadline for appealing a determination that a bidder is not responsible, must be provided in the invitation to bid or bidding documents.

Bidder Responsibility Criteria

Supplemental Criteria

Before the bid submittal deadline, a potential bidder may request that the state or municipality modify the supplemental criteria.

The state or municipality must evaluate the information submitted by the potential bidder and respond before the bid submittal deadline.

Bidder Responsibility Criteria

Supplemental Criteria

Experience of Contractor

Contractors Experience on Projects of Similar Size and Complexity

[Insert Project specific information here. Fill in box describing in detail the characteristics of the project that would be considered to be similar (what's important)]

[Identify the number of projects of similar size and complexity required] Contractor is required to have experience on ____ projects of similar size and complexity.

List of Completed Projects

Provide a list of all the construction contracts \$____ and above your firm has completed in each of the past ____ years, giving the name of project; name, address, and phone number of owner and architect; contract amount; date of completion; and percentage of the cost of the work performed with your own forces. This information will be used for references.

Bidder Responsibility Criteria

Supplemental Criteria

Experience of Contractor

Experience of Superintendent

Submit resume and references of the proposed project superintendent. This person shall have managed projects of similar complexity and similar size, and successfully completed the projects(s) within the last ____ years.

Experience of Project Manager

Experience of other Key People

Bidder Responsibility Criteria

Supplemental Criteria

References

References from Owners of previous projects

Owner may check references by contacting owners and architects of previous projects on bidder's performance and that of key staff over the past ___ years the rating shall be satisfactory or better on a five-category scale with "satisfactory" at mid scale. A reference score sheet will be utilized the required rating shall be satisfactory or better.

Bidder Responsibility Criteria

Supplemental Criteria

Instructions to Bidders - contains deadlines and time frames for receiving information filing appeals etc.

Shall consider an overall accounting for determining bidder responsibility

If it is determined that the apparent low bidder is not responsible, the bidder will be notified of the preliminary determination in writing with reasons for the determination.

The bidder may withdraw its bid or request a hearing to appeal the preliminary determination and present additional information to the Owner.

Bidder Responsibility Criteria

Supplemental Criteria

From Instructions to Bidders

The Owner will schedule a hearing.

The Owner will issue a Final Determination after reviewing information presented at the hearing.

If the Owner determines a bidder to be not responsible, the Owner will provide, in writing, the reasons for the determination.

The Owner's Final Determination is specific to this project, and will have no effect on other or future projects.

Bidder Responsibility Criteria

Supplemental Criteria

Key Points from the RCW

- ▶ Supplemental Criteria must be relevant.
- ▶ The basis of evaluation must be identified.
- ▶ We must respond to bidders requests for change to the criteria during bidding.

Bidder Responsibility Criteria

Supplemental Criteria

Relevant Criteria

Take time to describe what is meant by projects of similar size and complexity.

Develop criteria that you can defend. For example, if you require four years of experience – be able to explain why you choose four years.

Bidder Responsibility Criteria

Supplemental Criteria

What it is not

Supplemental Bidder Responsibility Criteria is not a process restrict bidding to only the best contractors.

It may not be a way to eliminate a contractor that was a problem for you in the past.

Bidder Responsibility Criteria Supplemental Criteria

What it is

It is a way to eliminate the worst performing contractors.

A way for you to learn about the contractor's experience and past performance.

A way to get a contractor with a track record of doing the type of work that is being bid.

Bidder Responsibility Criteria Supplemental Criteria

Lessons Learned

Competitive market - contractors are willing to challenge the award process.

Be sure to review the criteria as a project team and verify that what you reviewed is actually what is published.

Prepare criteria that is relevant and defensible.

You may not want to use it on all projects.

Bidder Responsibility Criteria

Supplemental Criteria

Lessons Learned

Don't be overly restrictive – How many bidders can bid?

Don't be overly complicated – What will you do with the information you request?

Criteria should allow for contractor's growth – If you have a \$1 million project, the required experience should be at least \$800,000 (all other things being equal).

Questions?





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